

AO 91 (R1:v. 11/11) Criminal Complaint

U.S. DISTRICT COURT - N.D. OF N.Y.

UNITED STATES DISTRICT COURT
for the
Northern District of New York

FILED

FEB 22 2024

AT _____ O'CLOCK _____
John M. Domurad, Clerk - Plattsburgh**UNITED STATES OF AMERICA****v.****LUIS ALBERTO JIMENEZ JIMENEZ,****Defendant.****Case No.** 8:24-MJ-100 (GLE)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 19, 2024, in the county of St. Lawrence in the Northern District of New York the defendant violated:

Code Section

8 U.S.C. § 1324(a)(1)(A)(ii)

Offense Description

The Defendant, knowingly and in reckless disregard of the fact that aliens have come to, entered, or remained in the United States in violation of law, did conspire to transport, move, and attempt to transport and move, aliens within the United States by means of transportation or otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature
Border Patrol Agent Mathew T. Miller*Printed name and title*

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: FEB. 22, 2024

Judge's signature
City and State: Plattsburgh, New YorkHon. Gary L. Favro, U.S. Magistrate Judge*Printed name and title*

United States of America v. LUIS ALBERTO JIMENEZ JIMENEZ

This criminal complaint is based on the following facts:

On February 19, 2024, at approximately 12:30 P.M., a Border Patrol Agent ("BPA") from the Ogdensburg Station was conducting roving patrol duties on U.S. Highway 11 ("US 11") in Canton, New York. US 11 is a commonly used smuggling route due to the fact that it is the main travel corridor between the U.S./Canada Border and the interior of the United States via Interstate 81, and routinely patrolled by BPAs. While at a static location within the border area, a BPA observed a black Ford Explorer bearing Vermont license plates traveling south on US 11. As the vehicle passed the BPA's location, the BPA observed the front passenger look at the BPA's vehicle and then immediately looked forward to avoid eye contact. After the vehicle passed the BPA, the passenger looked back again toward the BPA to see if he was following their vehicle. Due to the window tint in the rear of the vehicle, the BPA was unable to see if there were additional passengers in the back seats. The BPA turned onto U.S. 11 and followed the suspect vehicle to conduct further observations of the vehicle.

As the BPA followed the vehicle south on US 11, the BPA observed the vehicle cross the fog line on the road then return onto the roadway. In the BPA's experience, drivers who are watching their mirrors for law enforcement often fail to maintain the roadway. The suspect's vehicle entered the town of Dekalb Junction, New York, and the speed limit changed to 35 m.p.h. The BPA observed the vehicle hard braking into the speed zone as it passed the sign, driving overly cautious. The driver was then observed looking in his side mirror several times in a nervous manner. Due to the occupants' nervous behavior, driving, and route of travel, the BPA conducted a vehicle stop on US 11 in Dekalb Junction, New York.

The BPA approached the vehicle and identified himself as a United States Border Patrol Agent. The BPA attempted to speak with the driver, later identified as Luis JIMENEZ JIMENEZ. However, the passenger, David DELGADO HERNANDEZ immediately spoke over the driver and stated, "he speaks Spanish and does not understand." The BPA asked DELGADO where they were traveling to, and he responded, "New Jersey." When the BPA asked where they were from, DELGADO stated they were from Vermont. The BPA asked where DELGADO was born, and he stated, "Mexico," but he had been living in the US for a long time. The driver, JIMENEZ stated in the Spanish language that he has an immigration court date and provided the BPA with a picture of his immigration release papers on his phone. The BPA determined that JIMENEZ was a Mexican Citizen. JIMENEZ also provided a Vermont State Driver's License.

The BPA conducted immigration record checks for DELGADO, which revealed he was removed as an Expedited Removal at the Otay Mesa, California Port of Entry on January 22, 2024. DELGADO admitted to the BPA that he illegally entered the United States from Canada after being previously removed from the United States in California. DELGADO did not have any immigration documents that would allow him to enter, remain in, or pass through the United States. The BPA advised DELGADO that he was under arrest for being illegally present in the United States, and placed him in custody.

JIMENEZ was detained for transporting an alien in violation of law, and placed in custody. During an inventory search of the vehicle, BPAs discovered \$850 Canadian Dollars in the open glove box. DELGADO later claimed the money was his. The BPA also discovered a small black backpack with a valid Mexican passport belonging to DELGADO on the floorboard of the rear seat area.

Both subjects were transported to the Ogdensburg Station along with their personal belongings for further processing. At the Ogdensburg Station, record checks revealed DELGADO flew into the Montreal International Airport on February 16, 2024. No legal entry into the United States was found.

Interviews were conducted with both subjects at the Ogdensburg Border Patrol Station. JIMENEZ was interviewed using language line services in the Spanish Language. DELGADO declined the use of an interpreter and was interviewed in English. Both subjects were Mirandized at the time of the individual interviews.

During his interview, DELGADO admitted to being a Mexican Citizen and further conveyed that he was previously removed from the United States on January 22, 2024 through the Otay Mesa, CA Port of Entry. Following that, DELGADO claimed he flew from Mexico to Montreal, Quebec, Canada on February 16, 2024. DELGADO admitted that he had paid smugglers in Canada to assist him to illegally enter the United States and that he did illegally enter the United States on or about February 18, 2024. DELGADO admitted that he did not have permission to enter or immigration documents to enter the United States. DELGADO further admitted that JIMENEZ picked him up and was to transport him from the border into the United States.

Luis JIMENEZ JIMENEZ told agents that he was a Mexican Citizen who had illegally entered the United States in 2021 and had a pending immigration court date. JIMENEZ stated that he did not know DELGADO. JIMENEZ stated he had picked up DELGADO from a building on a farm near the United States/ Canadian Border and was going to transport him to New Jersey.